

now receives first amendment protection similar to that of the pure political speech that the first amendment speech clause was created to enhance.

In the years since the Johnson and Eichman rulings were handed down, 49 States have passed resolutions calling upon Congress to pass a constitutional amendment to protect the flag and send it back to the States for ratification. Although a constitutional amendment should only be approached after much reflection, the Supreme Court's conclusions in Johnson and Eichman have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag.

In a compelling dissent from the Johnson majority's conclusion, Chief Justice Rehnquist, joined by Justices O'Connor and White stated: "The American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence, regardless of what sort of social, political, or philosophical beliefs they may have."

Mr. Speaker, this proposed amendment is bipartisan legislation supported by Americans from all walks of life because they know the importance of this cherished national symbol. I urge my colleagues to support this important constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if one does not have much to do today, this is a great way to spend the afternoon, discussing for the fifth time whether the Congress should amend the Constitution with reference to flag desecration. Now, the answer has been "no" all of these other times. So I ask the House rhetorically, why does not the other body take this measure up first, for once, instead of us? Is there some protocol not known to the ranking member of the committee? There are many other things that could be done in the interest of furthering the democratic spirit of the United States.

Now, on behalf of everybody in the House, I would like to be the first to assert the boilerplate language so that my colleagues will not all have to repeat it again. I deplore desecration of the flag in any form, but I am strongly opposed to this resolution because it goes against the ideals and elevates a symbol of freedom over freedom itself.

I would like unanimous consent to say that for everybody that is going to want to say that, to make sure that everybody understands that those who oppose this measure are patriotic and

are not by implication, direct or otherwise, supporting any kind of desecration of the flag. We do not do that. That is not what we are here for.

So that leaves two other points to be made, the same ones made before. The first is Justice Oliver Wendell Holmes. This is 1929: "The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate." Okay, got that? All right. That is five times in my career that we go through this.

Then the final point that should be made is that, in 1989, the Supreme Court said that all the State laws in the country banning flag-burning and making it illegal are themselves illegal. Then the Congress tried to do it. And the Supreme Court, not the most progressive part of the Federal system, said, no, you cannot do it, Congress.

And now, for the fifth time, we do not even agree on it ourselves. We do not want to do it. Basically, the legislative body of the United States of America does not want to make an amendment to our Constitution appropriate to accomplish what State laws tried and what Justice Oliver Wendell Holmes talked about, and many others.

In effect, what we are trying to do is not to punish those who feel differently about these matters. The better course is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving our own flag; no way to counter a flag-burner's message than by saluting the flag. We do not consecrate the flag by punishing its desecration because, in doing so, we dilute the freedom that this cherished emblem represents.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the principal author of this very important resolution.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I do not believe that the primary threat to our country comes from a bomb, or hostile nation. I do believe that the threat to this Nation comes from within, from those that would taint the values of this country of religion and our beliefs and our flag. Mr. Speaker, 23 nations, 23 civilizations have been destroyed from within for this very type and form of demagoguery; degradation of values.

Mr. Speaker, this is not political to us that support the flag. I have lists here of every single ethnic group in the United States, gender groups, children, senior citizens that support the amendment.

The other side just stated, there is not much to do today, if one wants to listen to this, to trivialize the event. To us, to every single veterans' group, to 80 percent of the American people, 49 States that had laws on the books was

overruled of 200 years of history, 200 years of tradition, by a one-vote margin in our courts. Is it wrong because nine people in a 5 to 4 decision decided otherwise? Yes. That is why we are here today. We believe that it is wrong.

It is not hard to make this decision when one knows what their values are, and one cannot rule by "but." People say, well, I deplore the burning of the American flag, but. It is not hard to make the decision when one knows their values and what they are by deed heart; mind.

I have in this folder literally hundreds of letters from third graders, from fourth graders, from fifth graders about what the flag means to them. This is more than just a piece of cloth. It is something that our children, our grandchildren, our grandparents have thought and talk about what it means to them. To watch somebody burn the American flag represents a destruction of those values, of those ideas and of those thoughts. That is why we are opposed to it.

I was witness to a young Hispanic that was protesting proposition 187. He was opposed to the proposition. But in his midst, there was a group of Hispanics that turned to burn the American flag. This young Hispanic grabbed the flag and protected it and was beaten by the group that was burning the American flag.

If we take a look at our Nation, every ethnic group stood behind this flag, every veterans' group. Mr. Speaker, 372 Members of this body, 372, voted for this amendment, and it will pass today. But yet, there is a group out there that would fight against it.

Mr. Speaker, if one has nothing more to do, watch us today? I hear that in disgust.

Mr. Speaker, as an example of what the flag means, I was overseas and there was a friend of mine that was a prisoner of war for 7 years. It took him 5 years to knit an American flag on the inside of his shirt, and he would share that flag with his comrades until the Vietnamese guards broke in, and they saw the POW without his shirt. They ripped the flag to pieces, and they threw it on the ground. They took him out, and they beat this POW for hours, and they brought him back, unconscious to the point where his comrades thought that he was not going to survive. His comrades comforted him as much as they could, and they went about their work. A few moments later, they saw this broken, bodied POW crawl to the center of the floor and watched him as he started gathering those bits of thread to knit another flag.

Mr. Speaker, we are not here just to waste time. This is what this country stands for, its flag, whether it is the right to be able to say a prayer, to honor our flag, or to honor our traditions.

Mr. CONYERS. Mr. Speaker, I hope that my distinguished friend from California, I hope that his moving plea is